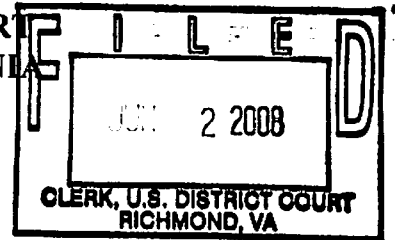


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOHN W. HEARNE,

Petitioner,

V.

WARDEN DAVIS,

Respondent.

Civil Action No. 3:08CV196-HEH

MEMORANDUM OPINION
(Dismissing Without Prejudice 28 U.S.C. § 2254 Petition)

By Memorandum Order entered on April 7, 2008, the Court directed Petitioner to complete the standardized form for filing a writ of habeas corpus and return the same to the Court within fifteen (15) days of the date of entry thereof. The Court warned Petitioner that failure to complete and return the form in a timely manner would result in dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b). More than fifteen (15) days have elapsed since the entry of the April 7, 2008 Memorandum Order and Petitioner has not returned the standardized form to the Court. Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

It is SO ORDERED.

Date: June 2, 2008
Richmond, Virginia

/s/
Henry E. Hudson
United States District Judge